

REMARKS**1. Defective Declaration**

Applicants note with thanks that the Examiner has found the Oath filed with the RCE application on December 12, 2005 overcomes the rejection of the initially filed Oath.

2. Rejection of Claims under 35 U.S.C. § 112.

The Examiner has rejected Claims 1, 14, 18, 24, 26 and 30 under U.S.C. §112, second paragraph. Responsive to these rejections, Applicants have amended each of the claims as proposed by the Examiner with the exception of Claim 24. With regard to the Examiner's observation with respect to claim 24, the Examiner is correct. However, since polymer aluminoxanes are not specifically recited in the priority EPO application or in the Specification of this case, Applicants will rely upon Claim 5 to embrace polymer aluminoxanes.

3. Rejection of Claims under 35 U.S.C. §103(a)

With regard to the Examiner's rejection of all pending claims under 35 U.S.C. §103(a), over Shipley in view of Mink and Hamed, Applicants respectfully traverse this rejection.

Applicants have considered the Examiner's position that Mink (col. 1, l. 45) provides the motivation to combine Shipley, Mink and Hamed, and respectfully submit that Mink would not lead one skilled in the art to this combination and that even if one skilled in the art were to attempt to combine the teachings of these references, it would require undue experimentation to produce the presently claimed combination. Shipley omits a metallocene and an organic support from his catalyst. One cannot cure these deficiencies to find the presently claimed catalyst by incorporating the metallocene catalyst component from Mink, because Mink teaches the use of only two transition metal compounds (a metallocene and a Ziegler-Natta catalyst component) (See Mink, col. 1, lines 43-45) and further teaches the use of an inorganic support. Although

Hamed teaches the use of a polymeric organic support, Hamed also uses a catalyst system with only two (2) transition metal compounds. In fact, none of Shipley, Mink or Hamed contain three (3) transition metal compounds, as is required by the presently pending claims. To combine these references as the Examiner has done, there must be some suggestion within the references to select specific catalyst components from three (3) different references.

Accordingly, since none of the cited references suggest the combination made by the Examiner, and the combination made by the Examiner ignores significant differences between the catalyst systems being combined, Applicants submit that the rejection of the pending claims under § 103 is improper and should be withdrawn.

In view of the foregoing, Applicants believe that claims 1, 4, 5, 7, 8, 10, 11, 14-19 and 21-26 are now in condition for allowance.

4. Request for Rejoinder of Process Claims

Process claims 27, 28 and 30 were withdrawn pursuant to a restriction requirement. The standard for rejoinder of non-elected process claims after the allowance of product claims is set forth in MPEP § 821.04. This section provides that where an applicant presents both product and “process of using the product” claims in an application and elects claims directed to the product in response to a restriction requirement, if the product claim are found to be allowable, the process claims which depended from allowed process claims will be rejoined. Since withdrawn claims 27, 28 and 30 depend from claim 1, these process claims should be rejoined upon the allowance of claim 1.

No additional fees are believed due herewith. If any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0540.

Conclusion

In view of the foregoing, withdrawal of all rejections and the allowance of the pending claims is respectfully requested. Further, rejoinder of non-elected process claims 27, 28 and 30 is also requested.

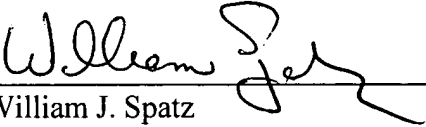
If the Examiner believes that there are any further issues which present an impediment to allowance, it is respectfully requested that the undersigned be contacted to conduct a telephone interview.

If additional fees are due, the Commissioner is authorized to charge the same to Deposit Account No. 50-0540.

Respectfully submitted,

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